

PROTEST PROCEDURES

A Bidder may file a protest against the proposed awarding of a contract. Once a protest has been filed, contracts will not be awarded until either: the protest is withdrawn, the Commission cancels the RFP, or the Department of General Services decides the matter.

Please note the following:

- Protests are limited to the grounds contained in the California Public Contract Code Section 10345.
- During the five working days that the Notice of Proposed Award (NOPA) is posted, protests must be filed with the DGS Legal Office and the Commission Contracts Office.
- Within five days after filing the protest, the protesting Bidder must file with DGS and the Commission Contracts Office a full and complete written statement specifying the grounds for the protest.
- If the protest is not withdrawn or the solicitation is not canceled, DGS will decide the matter. There may be a formal hearing conducted by a DGS hearing officer or there may be briefs prepared by the Bidder and the Commission for the DGS hearing officer's consideration.

AGREEMENT AWARD

After Stage Two scoring the Notice of Proposed Awards (NOPA) will be posted for five (5) working days at the Energy Commission's headquarters in Sacramento, and on the Energy Commission's and the DGS' web site. In addition, each Bidder under this solicitation will be mailed a copy of the NOPA for this solicitation. Upon completion of the five (5)-day notice period, the Energy Commission will work with the successful Bidder to verify compliance with the requirements of CEQA and, to the extent applicable, the Single Audit Act, and prepare an award package.

~~The Energy Commission generally will not consider any substantive changes to the Agreement's "terms and conditions" contained in this RFP. Many of the terms and conditions are nonnegotiable pursuant to federal or state law or policy. If a bidder is prevented from submitting a proposal or signing the Agreement due to objections to an Agreement term, the bidder must raise the objection either in person at the Pre-Bid Conference or in writing according to the instructions provided in the Questions Section of this RFP.~~

The Energy Commission will not consider any substantive changes to the Agreement's "terms and conditions" contained in this RFP.

If, for any reason, a successful Bidder does not sign the Agreement documents within the time allotted, the Energy Commission may eliminate that Proposal from its award list and select the next highest ranked Proposal for funding from the rank order of eligible proposals under the Solicitation.

The Energy Commission will consider approval of the Agreement at a publicly noticed Energy Commission Business Meeting.